UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,647	04/27/2001	Salil Pradhan	1509-178	7844

7590 06/30/2004

LOWE HAUPTMAN GILMAN & BERNER, LLP
Suite 310
1700 Diagonal Road
Alexandria, VA 22314

EXAMINER	
HOOSAIN, ALLAN	

ART UNIT	PAPER NUMBER
2645	8

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/843,647	Applicant(s) PRADHAN ET AL.	
	Examiner Allan Hoosain	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9-21,23-29,31-39,41 and 42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7,9-20,23,24,26-29,31-33,35,36,39,40 and 42* is/are rejected.

7)☒ Claim(s) *21,25,34,37,38 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Allowable Subject Matter

1. Claims 21, 25,34,37-38,41 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7,9-10,23-24,26-29,31-33,35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Slettengren** in view of **Rautila et al**. (US 6,549,625).

As to Claims 1,4, 23-24,26-29, 31-33,35-36, with respect to Figures 1-4, **Slettengren** teaches a method of advertising by using an advertiser telecommunications device and a consumer telecommunications device having an advertisement filter with an allowable advertisement characteristics profile, comprising:

emitting from the advertiser communications device an advertisement over a short range via a short range wireless transmitter, the advertisement having politeness requests (a characterization profile) associated with it conveying information about the type of advertisements, of goods or services being offered or both (P0038);

receiving the short range wireless advertisement at the consumer telecommunications device (P0038);

comparing the received advertisement characteristic profile with its filter profile, accepting advertisements which match the advertisement characteristics profile to an acceptable degree, and rejecting advertisements whose characteristics profile does not match to an acceptable degree, the comparing, accepting and rejecting steps being performed by the consumer device (P0035 and P0039);

offering to present to a user the accepted advertisements received by the consumer device (P0040);

Slettengren does not teach the following limitation:

"replying to an advertisement via the consumer telecommunications device"

Rautila teaches the limitation (Col. 8, line 63 through Col. 9, line 11). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add reply capability to **Slettengren's** invention for obtaining more detailed information as

taught by **Rautila's** invention in order to provide complete linkage to detailed sources of information.

As to Claims 2-3, **Slettengren** teaches a method according to claim 1 comprising presenting the advertisements to the user via the consumer device, the consumer device comprising a hand-portable electronic device (Figure 1 and P0021).

As to Claims 5-7, **Slettengren** teaches a method according to claim 1 comprising interacting with an advertisement protocol manager system to set the consumer device advertisement characteristics filter profile, or the advertisement characteristics profile, or both (P0037).

As to Claim 9, **Slettengren** teaches a method according to claim 1 comprising presenting the advertisement to a user via a display screen of the consumer telecommunications device (p0040).

As to Claim 10, **Slettengren** teaches a method according to claim 1 comprising:

Slettengren does not teach the following limitation:

"the user of the consumer device manually selecting advertisements for further investigation"

Rautila teaches the limitation (Figure 3 and Col. 9, lines 12-20). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add select capability to **Slettengren's** invention for obtaining more detailed information as

taught by **Rautila's** invention in order to provide users with picking and choosing interesting information.

5. Claims 11-20,39,42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rautila** in view of **Slettengren**

As to Claims 11-12,14-16,18-20,39,42, with respect to Figures 1-4, **Rautila** teaches a method of advertising comprising communicating a first part of an advertisement from an advertiser telecommunications device to a consumer telecommunications device via wireless short range telecommunications, and the consumer device requesting a fuller advertisement or further details from an advertisement follow-up device (Figure 1 and Col. 8, line 63 through Col. 9, line 11);

Rautilla does not teach the following limitation:

"the consumer device having an advertisement filter that filters incoming advertisements and requests fuller details, or further details, of only advertisements that pass a screening selection"

Slettengren teaches politeness levels (advertisement filters) which screens incoming communications (PP0031-P0035). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add politeness level capability to **Rautila's** invention for accepting or rejecting advertiser information as taught by **Slettengren's** invention in order to provide users with select advertising information.

As to Claims 13,17, **Rautila** teaches a method according to claim 11 comprising communicating the request for further details from the consumer device to the advertisement follow up device by using short range wireless telecommunications (Figure 1, label 27').

Response to Arguments

6. Applicant's arguments filed 5/10/04 have been fully considered but they are not persuasive because of the following:

The argument that **Slettengren** is not directed towards advertisements is not accurate. **Slettengren's** "politeness requests" are advertisements because they advertise services to mobile users who enter the respective politeness zones. Each type of zone offers a quiet service to mobile users. In particular, users may program their mobile stations to alert them of particular restaurants in a politeness zone (P0057-P0058). These teachings clearly show that the "politeness requests" are advertisements.

Thus, both **Slettengren** and **Rautila** are directed towards mobile devices receiving advertisements via short range receivers. Since, their inventions are analogous Examiner believes that it is obvious to combine them to achieve the claims as given in the instant Office Action.

Also, the disclosure teaches or suggests that advertisements offer goods or services (Page 2, lines 10-11). As discussed above, the politeness requests meet this definition.

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hollenberg (US 6,091,956) teaches providing time-critical information to mobile users.

Waters et al. (US 6,535,132) teach transmitting interest communications to mobile users proximate a shop.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Allan Hoosain

Allan Hoosain
Primary Examiner
6/21/04